## REMARKS

Reconsideration and allowance of this application are respectfully requested.

Applicants note with appreciation the Examiner's allowance of claims 1-11 an any indication of allowable subject matter claims 14 and 15.

Claim 12 stands rejected under 35 U.S.C. §102(e) as being anticipated by Agahi-Kesheh, (U.S. Patent No. 6,430,402). This rejection is respectfully traversed.

Agahi-Kesheh fails to disclose all the features recited in independent claim 12. For example, Agahi-Kesheh fails to disclose "a memory for storing an association between different power consumption values and respective digital control signal values." The Examiner refers to column 8, lines 28-48 and column 9, lines 18-28. No memory is recited here. All that is described is that when the current reaches $I_{SAFE}$, a digital signal processor 321 limits the digital reference signal 319 to the value which produced the corresponding current $I_{SAFE}$. The Examiner is requested to explain how this operation relates to storing "an association between different power consumption values and respective digital control signal values." The column 8 text describes a single digital reference signal value which corresponds to one $I_{SAFE}$ value. There are no different power consumption values associated with respective digital control signal values.

The Examiner also refers to column 9, lines 18-28. This text describes a different embodiment in which different $I_{SAFE}$ values can be stored through different battery voltages. Presumably, the Examiner is contending that different battery voltages correspond to different power consumption values and that the corresponding $I_{SAFE}$ values correspond to respective digital control signal values. Assuming that this is the case, Agahi-Kesheh still fails to disclose a controller arranged to "determine an <u>amount of electric energy remaining in the battery</u> based on at least one

power consumption value stored in the memory, said at least one power consumption value being associated with a value of the monitored digital control signal."

The Examiner refers to column 8, lines 12-48. All that is described here is that the digital signal processor limits the digital reference signal so that the current stays below the corresponding I $_{SAFE}$ value. Agahi-Kesheh's invention is directed to keeping the current output--even at low voltages-- at a sufficiently low value to prevent the power amplifier from saturating. Agahi-Kesheh is _not_ all concerned with determining the amount of electric energy remaining in the battery. There is certainly no teaching of Agahi-Kesheh determining the amount of electric energy remaining in the battery based on a particular battery voltage corresponding to an I $_{SAFE}$ value.

Lacking all the features required by independent claim 12, the rejections based on Agahi-Kasheh should be withdrawn. The application is in condition for allowance. An early notice to that effect is respectfully solicited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: _____

John R. Lastova
Reg. No. 33,149

JRL:lcb
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100